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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,307	12/29/2000	Jerry Dwight Doty II	2705-101	7831

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EXAMINER

LE, KAREN L

ART UNIT PAPER NUMBER

2642

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,307

Applicant(s)

DOTY ET AL.

Examiner

Karen L Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's response filed on January 24, 2003. Claims 1-19 are now pending in the present application. **This action is non-final.**

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 6, 9, 10-14 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruno et al. (U.S. 5,563,882).

Regarding claims 1 and 9, Bruno teaches a method and a computer-readable medium for Switching active calls between entities (fig.4, item 12a and 12b and 12c) on a network device (Fig. 4, switching system), the method comprising:

collecting information about a current call active on a first entity (point-to-point multimedia conference call) while the current call is still active (col. 2, lines 55-60), initializing a second entity (Bridged call) with the information while the current call is still active on the first entity, switching the current call from the first entity to the second entity; and releasing the first entity (Col. 3, lines 11-14).

Regarding claim 6, Bruno further teaches initializing a second entity further comprises initiating a retain sequence on the second entity (Col. 61-65).

Regarding claims 10 and 11, Bruno teaches the computer-readable medium comprises a

downloadable file and image file uploadable into digital signal processor (Col. 3, lines 30-45).

Regarding claims 12 and 14, Bruno further teaches a network device, comprising:

At least two means for handling active calls⁴ point-to-point and bridged connection.

A means for connecting the means for handling active calls with means for transmitting phone calls; and a means for switching active calls from a first means for handling active calls to another processing means (mcu 36) for handling active calls without interruption, thereby eliminating any active calls on the first means for handling active calls (Col. 3, lines 11-14). The claimed feature of eliminating “any” active call on the first means simply reads on the scenario when only one call exists, and it is theⁿ switched to the bridged connection.

Regarding claim 13, Bruno further teaches the device of claim 10 wherein the controller is part of a processor located on one of the entities (Fig. 4, item 32).

Regarding claim 19, Bruno further teaches the means for switching active calls further comprises a controller (Fig. 4, item 32).

4. Claims 1, 9, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Farris et al. (U.S. 6,574,216).

Claims 1, 9 and 14 are clearly anticipated by Farris. The claimed first entity reads on the internet 50 and the claimed second entity read⁵ on the PSTN 10. An active call on the internet may be manually or automatically switched to the PSTN based on quality of the internet

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~~connection~~

~~collection~~. Thus an active call between telephones 11 and 15 may be switched from internet 50 to PSTN 10 without interruption. See abstract.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. (U. S. 5,563,882) in view of Rogers (5,581,462).

Regarding claims 2-4 and 15-18, Bruno does not teach the entities are digital signal processors located within the same module, the entities are modules located on the same card, and the entities are cards in the network device. However, Rogers teaches the entities are digital signal processors located within the same module, the entities are modules located on the same card, and the entities are cards in the network device (Fig.2, items 12, 102, 62, and 92). Rogers teaches a cartridge computer that is removable from the vehicle and a receptacle in the vehicle for receiving the cartridge computer that is called a data transfer unit. The data transfer unit is electrically connected to the main computer. The telephone data processing system can be of the type described as MICA Unit. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use MICA unit of Rogers as entities of Bruno. That is

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Bruno teaches switching an active call from ^{a first} "entity" to a second "entity" when additional resources, not provided by the first entity, are needed. The same applies to the resource being a DSP, card or the like. That is a second DSP or card or module may become ^{needed} and will be used instead of the first DSP, module or card.

7. Claims 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. (U.S. 5,563,882)

Regarding claim 5, Bruno does not teach the steps of copying compression dictionary tables from the first entity and loading compression tables in the second entity. However, to achieve a high data rate data compression has always been introduced. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to compress and decompress data while transmission to have larger volume of data.

Bruno does not teach the information about a current call includes modulation and country code. Each country uses different carriers, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include type of modulation and country code to verify what type of carrier that country uses.

8. Claims 1, 9, 12 and 14 read on well-known feature.

Claims 1, 9, 12 and 14 are rejected because they read on a simple transfer of a phone call.

Claims 1, 9, 12 and 14 teach a method, a computer-readable medium and a network device for switching active calls between entities (entities can be agents in Automatic call distribution system) on a network device, the method comprising:

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collecting information about a current call active on a first entity (first agent) while the current call is still active, initializing a second entity (second agent) with the information while the current call is still active on the first entity, switching the current call from the first entity to the second entity (transfer the call from first agent to second agent); and releasing the first entity (release the first agent).

Response to Arguments

9. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

Hand-delivered responses should be brought to

Crystal Park II, Sixth Floor (Receptionist)

2121 Crystal Drive

Arlington, VA 22202

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 703-308-4998. The examiner can normally be reached on Monday - Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Karen Le
KLL

April 15, 2005


AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700